



## Reference Guide

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**804-PT4**

**Prepared :** November 10, 1998 (Revised) by the Pay Team

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### **IN LIEU OF HOLIDAYS under section 6103(b)(2) of title 5, United States Code, and Executive Order 11582**

With the sunset of Chapter 610 of the Federal Personnel Manual, the guidance provided in Subchapter 4, “Alternative Work Schedules,” concerning in lieu of holidays is no longer applicable. Therefore, agencies must follow the strict reading of the law and Executive Order 11582 to designate in lieu of holidays for employees covered by alternative work schedules.

#### **Determining Holidays Under Alternative Work Schedules**

1. When a holiday falls on a day that an employee is regularly scheduled to work under either a compressed or flexible work schedule, the scheduled workday is the employee’s holiday.
  - a. If the employee is covered by a **compressed work schedule**, the employee’s holiday will comprise the number of hours the employee is regularly scheduled to work that day.
  - b. If the employee is covered by a **flexible work schedule**, the employee’s holiday will comprise 8 hours.
  - c. An employee who is required to work on a regularly scheduled workday that is a holiday receives holiday premium pay for working on the holiday and is not entitled to an in lieu of holiday.
    - (1) If the employee is covered by a **compressed work schedule**, the employee is entitled to holiday premium pay for the number of hours he or she is regularly scheduled to work that day.
    - (2) If the employee is covered by a **flexible work schedule**, the employee is entitled to holiday premium pay for 8 hours.
1. When a holiday falls on a nonworkday for an employee covered by a **compressed work schedule** and:

- a. The holiday falls on Sunday, the first regularly scheduled workday following the Sunday-holiday is the employee's in lieu of holiday.
- b. The holiday is not a Sunday, the last regularly scheduled workday preceding the holiday is the employee's in lieu of holiday.

**830-PT30, Determining In Lieu of Holidays under 5 U.S.C. 6103(b)(2) and E.O. 11582**

**For example:**

If the employee is regularly scheduled to work Tuesday through Friday and Sunday is a holiday, the employee's in lieu of holiday will be the following Tuesday. (See rule 2.a.)

If the employee is regularly scheduled to work Tuesday through Friday and Monday is a holiday, the employee's in lieu of holiday will be the preceding Friday. (See rule 2.b.)

**Agency Rules.** Under 5 U.S.C. 6103(d), agency heads may designate a different in lieu of holiday than would be designated under 5 U.S.C. 6103(b), E.O. 11582, or the terms of any collective bargaining agreement, for full-time employees on **compressed work schedules** when the head of an agency determines that a different in lieu of holiday is necessary to prevent an "adverse agency impact."

The term "adverse agency impact" is defined in 5 U.S.C. 6131(b), as (1) a reduction of the productivity of the agency; (2) a diminished level of services furnished to the public by the agency; or (3) an increase in the cost of agency operations.

1. When a holiday falls on a nonworkday for an employee covered by a **flexible work schedule**, excluding a flexitime schedule, and:

- a. The holiday falls on Sunday, the first regularly scheduled workday following the Sunday-holiday is the employee's in lieu of holiday.
- b. The holiday is not a Sunday, the last regularly scheduled workday preceding the holiday is the employee's in lieu of holiday.
- c. If a holiday falls on a day an employee typically chooses as his or her day off, that day remains the holiday. The employee must choose another day off under the flexible work schedule.

**For example:**

An employee's administrative workweek is Monday through Friday. A holiday falls on Sunday, so the employee's in lieu of holiday is the following Monday. (See rule 3.a.)

An employee's administrative workweek is Thursday through Monday; Tuesday and Wednesday are nonworkdays. A holiday falls on Wednesday, so the employee's in lieu of holiday is the preceding Monday. (See rule 3.b.)

An employee's administrative workweek is Monday through Friday. The employee has chosen to take Friday off, but the holiday falls on Friday. The Friday is the employee's holiday. The employee must choose another day off under the agency's rules for administering its flexible work schedule. (See rule 3.c.)